



Year 2004 Legislative Agenda

Bill Briefs June 3, 2004

The Commission's agenda for 2004 continues to focus on issues of the ***Underserved*** and ***Economic Security*** (including impact of state budget cuts on women and their families). Other priority areas include *Incarcerated Women, Access to Health Care, the Preservation of Women's Reproductive Freedom, Violence Against Women, Gender Equity in Education and Employment, Family Law, and Child and Other Dependent Care*.

The State Legislature has been very busy these past few weeks as they worked to meet the May 28 deadline for bills to pass out of their house of origin to the other house. The constitutional deadline for passage of the State Budget is midnight June 15th. The Joint Budget Conference Committee, chaired by Senator Wes Chesbro, began its deliberations on June 2. This Committee is charged with reaching agreement on those budget issues where the Senate and Assembly did not concur, a daunting task given what is still a significant budget shortfall. Provided a State Budget is in place by June 30, the Legislature is scheduled to begin its Summer Recess on July 2 and reconvene on August 1.

This update reflects the status of the Commission's current priority bills. Some of these measures are two-year bills, which are preceded by an asterisk*. *Please note that Resolutions previously adopted by the Legislature and chaptered by the Secretary of State are no longer shown (refer to our 4/02/04 update for information)*. A number of bills have been held in Appropriations Committees, which generally means the bill will not move forward this year. The hearing date of each bill, if one has been set, is reflected on the "Status" line.

If you have questions or would like more information on women's legislation, contact Vicki Atwood, the Commission's Legislative Coordinator, at 916-322-9462 or via email at vatwood@women.ca.gov. More information and the full text of each bill can be found on the Internet at www.leginfo.ca.gov.

Child and Other Dependent Care

SB 1178 (Kuehl) would enact the Teen Parents in Foster Care Act and make legislative findings and declarations regarding the need to provide resources and support to dependent minor parents.

Status: Assembly Human Services

Position: *Support*

SB 1413 (Brulte/Scott) would prohibit, under certain circumstances, a person from being held liable for civil damages as a result of helping someone surrender physical custody of a child to a "safe-surrender" site.

Status: Assembly Public Safety

Position: *Support*

SCR 60 (Battin) would acknowledge April 2004 as Child Abuse Prevention Month.

Status: Adopted, Resolution Chapter # 61

Position: **Support**

Economic Security

AB 1918 (Montañez) would allow school employees to use up to six weeks of differential pay leave to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child.

Status: Senate Rules

Position: **Support**

AB 2317 (Oropeza) would increase the amount of liquidated damages due to employees who are paid unfairly in violation of existing equal pay laws and mandate the types of damages employees should recover if successful in bringing a civil action against their employer for wage discrimination.

Status: Senate Labor & Industrial Relations, June 9

Position: **Support**

AB 2989 (Corbett) would allow CalWORKs recipients to receive aid for a cumulative period of not more than 48 months if he or she has signed a welfare-to-work plan and is continuously enrolled in a training program for registered nurses approved by the Board of Registered Nursing. This shall apply only to Alameda County if that county elects to provide aid under these provisions.

Status: Senate Rules

Position: **Support**

AJR 66 (Lieber) would proclaim April 20, 2004, as Equal Pay Day.

Status: Adopted, Resolution Chapter # 38

Position: **Support**

SB 1156 (Alarcón) would encourage access to microenterprise development in order to create new jobs and income opportunities for individuals of low- and moderate-income.

Status: Assembly Jobs, Economic Development, and the Economy, June 15

Position: **Support**

SB 1639 (Alarcón) would, among other provisions, allow the Student Aid Commission to apply for additional federal funds for low-income family grants; ensure that CalWORKs parents and foster youth receive information about postsecondary education & training opportunities and student financial aid; and authorize the Community Colleges system to add highly effective English Immersion programs to their curriculum.

Status: Assembly Human Services

Position: **Support**

Education

***AB 618 (Levine)** requires the Department of Motor Vehicles to issue commemorative license plates for collegiate sports organizations and professional sports teams. Revenue generated would support Title IX compliance programs.

Status: Senate Rules

Position: **Support**

AB 2240 (Oropeza) would enact the Equity in Athletics Bill of Rights, specifying a student's rights relating to gender equity in athletics. Would also require the State Department of Education to post the bill of rights on its website and would require a school district that elects to offer competitive or club sports to print and post posters setting forth the bill of rights.

Status: Senate Rules

Position: *Support*

AB 2323 (Jackson/Oropeza) would require the State Department of Education to develop a Gender Equity Compliance Survey for high schools offering competitive or club sports opportunities. Schools shall be required to submit the survey annually to the Department as part of its Coordinated Compliance Review and report the results to the public.

Status: Held in Assembly Appropriations

Position: *Support*

***SB 193 (Murray/Burton)** would enact the Student Athletes' Bill of Rights which would, among other things, eliminate participation by California institutions of higher education in the National Collegiate Athletic Association (NCAA).

Status: Held in Assembly Higher Education

Position: *Oppose*

Employment

***AB 1229 (Simitian)** would provide that , except in certain circumstances, an employer who grants an opportunity or benefit to an employee because that employee submits to the employer's sexual advances or requests for sexual favors is liable for unlawful sex discrimination against other persons who were qualified for, but denied that employment opportunity or benefit.

Status: Held in Senate Appropriations

Position: *Support*

AB 1825 (Reyes) would require employers with 50 or more employees to provide two hours of training and education in sexual harassment to all supervisory employees within one year of January 1, 2005, unless they have provided such training after August 1, 2003. Would also require the State to incorporate this training into the 80 hours of training provided to all new supervisory employees, using existing resources.

Status: Senate Rules

Position: *Support*

AB 2889 (Laird) would make employers responsible for acts of non-employees with respect to all forms of harassment in the workplace in cases where the employer or its agents or supervisors knew or should have known of the conduct and failed to take immediate and appropriate corrective action.

Status: Senate Rules

Position: *Support*

Equality

AB 2404 (Steinberg) would prohibit gender discrimination by cities or counties in the administration of community youth athletic programs and in the allocation of parks and recreation facilities and resources that support such programs and activities. Would also create an independent right to bring a civil action for equitable and monetary relief.

Status: Senate Rules

Position: *Co-Sponsor*

AB 2662 (Jackson) would require the State to implement the principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing discrimination against women and girls. Would also require the Governor to evaluate state agencies and departments to ensure that the State does not discriminate against women in the allocation of funding and delivery of services.

Status: Held in Assembly Appropriations

Position: *Support*

AJR 60 (Lieber and Leno) would request the President and U.S. Congress to adopt the Permanent Partners Immigration Act of 2003, which would add the phrase “or permanent partner” to sections of immigration law that provide immigration rights to legally married couples. Would allow gay and lesbian citizens to sponsor their partners as U.S. residents.

Status: Assembly Judiciary

Position: *Support*

***SB 301 (Alarcón)** would create the Commission on Latino/Latina Affairs to advise the Governor, the Legislature and state agencies, departments, and commissions on issues relating to the social and economic development, and the rights and interests of Latino/Latina communities.

Status: Assembly Business & Professions, June 8

Position: *Support*

SB 1234 (Kuehl) would revise and recast existing provisions of the law relating to hate crimes by, among other things, providing a definition for the term “hate crime”.

Status: Assembly Desk

Position: *Support*

Family Law

***AB 252 (Jackson)** would permit the Department of Child Support Services to review the current practices of process service regarding paternity and to develop methods to increase personal delivery. Would also require a court to inform an alleged father of a child of his right to have genetic testing performed to determine if he is the biological father and of his right to move to set aside or vacate a judgement of paternity, as specified.

Status: Senate Judiciary, June 15

Position: *Support*

***AB 656 (Corbett)** This bill, previously supported by the Commission, addressed child support collections. *As amended 4/22/04, it no longer pertains to Commissions priorities.*

AB 2018 (Chu) would provide that in divorce proceedings, if there is a judgment for civil damages for an act of domestic violence, the court may enforce that judgment against the abusive spouse’s share of community property.

Status: Senate Judiciary

Position: *Support*

AB 2089 (Jackson) would require the Judicial Council to develop, post on its website, distribute, and annually update a fact sheet on marriage rights to be distributed by county clerks to marriage license applicants.

Status: Senate Judiciary, June 8

Position: *Support*

***SB 339 (Alpert)** would enact the Private Child Support Act to regulate the activities of private child support collectors. Among other things, it would limit the child support that can be collected and the fees that may be charged by a private child support collector.

Status: Assembly Judiciary

Position: *Support*

***SB 734 (Ortiz)** would help ensure that the courts protect children from domestic violence by imposing supervised visitation or denying visitation when there is a preponderance of evidence that the parent has perpetrated domestic violence.

Status: Assembly Judiciary

Position: *Support*

***SB 1030 (Ashburn)** would allow a paternity judgment established by default to be set aside if genetic testing indicates the man is not the biological father.

Status: Held Assembly Judiciary

Position: *Oppose*

SB 1367 (Burton) would state legislative intent to enact legislation to ensure that a change in the residence of a parent entitled to custody of a child not be frustrated by undue delay.

Status: Senate Judiciary

Position: *Support*

Health Care Access

***AB 232 (Chan)** would require hospitals to, among other things, develop and post a policy regarding self-pay patients; limit fees to the price paid by large government payers such as Medi-Cal; and provide information about Medi-Cal, Healthy Families and other programs for which they might be eligible.

Status: Held in Senate Appropriations

Position: *Support*

***AB 1006 (Chu)** would establish the Healthy Schools Act of 2003, prohibiting all public schools from using the most highly toxic pesticides on school property.

Status: Senate Agriculture & Water Resources, June 15

Position: *Support*

AB 2013 (Steinberg) would eliminate the Statewide Fingerprint Imaging System used in determining eligibility for AFDC and the Food Stamp Program.

Status: Senate Health & Human Services, June 9

Position: *Support*

AB 2025 (Chu) would prohibit the manufacture, sale, or distribution of any cosmetic product containing reproductive toxicants, carcinogens, or mutagens.

Status: Held in Assembly Health

Position: *Support*

AB 2208 (Kehoe) would require health care plans and insurers to provide coverage to the domestic partner of an employee, subscriber, insured, or policyholder that is equal to the coverage provided to a spouse.

Status: Senate Insurance

Position: *Support*

AB 2324 (Chan) would require state programs that directly furnish information or provide services to the public to collect data regarding the race, ethnicity, and primary language of all program participants, on a voluntary basis.

Status: Held in Assembly Appropriations

Position: *Support*

ACR 169 (Koretz) would proclaim May 2004 as Postpartum Mood & Anxiety Disorder Awareness Month.

Status: Adopted, Resolution Chapter #46

Position: *Support*

ACR 223 (Cohn) proclaims the month of May as Women's Health Month.

Status: Adopted, Resolution Chapter #81

Position: *Support*

ACR 225 (Cohn) would designate October 2004 as Breast Cancer Awareness Month and designate October 8 as Breast Examination & Mammography Awareness Day.

Status: Assembly Rules

Position: *Support*

ACR 227 (Chu) would commend Asian and Pacific Islander Americans for their notable accomplishments and outstanding service to the state and recognize May 2004 as Asian and Pacific Islander American Heritage Month.

Status: Adopted, Resolution Chapter #74

Position: *Support*

AJR 53 (Reyes) would request the President and Congress to enact legislation which would make the Breast Cancer Stamp Program permanent.

Status: Senate Rules

Position: *Support*

AJR 70 (Garcia) would request the President and Congress to respond to the growing risk of women contracting, and the increased numbers of women who have contracted, HIV/AIDS by providing more funding for prevention, outreach, and treatment programs.

Status: Senate Health & Human services, June 9

Position: *Support*

***SB 379 (Ortiz)** would require hospitals to develop a charity care and reduced payment policy for patients without health insurance, specifying the financial criteria and procedure used to determine eligibility for charity care or reduced payment.

Status: Assembly Health, June 15

Position: *Support*

***SB 921 (Kuehl)** establishes the California Health Care System to be administered by a newly created Health Care Agency to provide universal health care coverage for all Californians through a publicly financed system.

Status: Assembly Health, June 22

Position: *Support*

SB 1168 (Ortiz) would require the establishment of the Healthy Californians Biomonitoring Program to “measure the pollution in people” and assist scientists, medical professionals, and community members in making more informed decisions and developing better policies to protect public health. The Program would be funded by the assessment of fees on manufacturers or persons who directly produce toxic chemicals.

Status: Assembly Desk

Position: *Support*

SB 1196 (Cedillo) would authorize sharing of the National School Lunch Program application for purposes of determining eligibility for the Healthy Families Program and any other county-or locally-sponsored health insurance programs when a child does not meet Medi-Cal eligibility requirements and if the parent or guardian has consented to sharing of information.

Status: Assembly Health

Position: *Support*

SB 1275 (Ortiz) would recommend that general acute care hospitals provide or arrange for basic lactation management training and safe preparation and appropriate bottle feeding techniques of infant formula for all health care practitioners authorized to perform such services and who work primarily in the hospital maternity unit and nursery. SB 1275 would further require infant formula manufacturers that distribute free formula samples in the hospital to include a notice stating that this practice does not constitute an endorsement by the hospital or health care provider of the company or product.

Status: Assembly Rules

Position: *Support*

SB 1525 (Speier) would authorize the Department of Health Services to seek federal approval to expand the Family Planning Access, Care, and Treatment (Family PACT) Waiver Program to include services currently provided under the breast and cervical cancer early detection program. The consolidated program would be administered by the Family PACT Program within the Office of Family Planning.

Status: Assembly Health, June 15

Position: *Support*

SB 1555 (Speier) would require all health insurers to provide coverage for maternity services, including prenatal care, ambulatory care maternity services, involuntary complications of pregnancy, neonatal care, and inpatient hospital maternity care, including labor and delivery and postpartum care.

Status: Assembly Health , June 15

Position: *Support*

SB 1741 (Hollingsworth) would revise existing law pertaining to the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act.

Status: Failed Passage in Senate Education

Position: *Oppose*

SCR 42 (Soto) recognizes the month of February as Women in Pain Awareness Month.

Status: Adopted, Resolution Chapter # 29

Position: *Support*

SCR 59 (Machado) would declare May 2004 as Teen Pregnancy Prevention Awareness Month to coincide with May 5, 2004, the National Day to Prevent Teen Pregnancy.

Status: Assembly Inactive File

Position: *Support*

Reproductive Health

AB 2291 (Haynes) would require all physicians and surgeons who provide abortions under Medi-Cal to obtain a written statement from the patient which states she was not coerced into having an abortion and her decision was voluntary. Would also require providers to submit the statement along with the claim for payment in order to be reimbursed for performing the procedure.

Status: Failed Passage in Assembly Health

Position: *Oppose*

AB 2331 (Mountjoy) would require, for an abortion performed in the 3rd trimester of pregnancy, physicians to offer the pregnant woman information and counseling on fetal pain, as well as anesthesia for the fetus.

Status: Held in Assembly Health

Position: *Oppose*

AB 2563 (Bogh) would impose additional penalties on pregnant women who are under the influence of controlled substances in the amount of a \$10,000 fine and one year in state prison, or both. Also would require life imprisonment for child abuse resulting in death and adds this crime to the serious felony list.

Status: Failed Passage in Assembly Public Safety

Position: *Oppose*

AJR 57 (Jackson/Chan) would request the President and Congress to stand firm in their resolve to uphold the intent and substance of the U.S. Supreme Court decision in Roe v. Wade.

Status: Adopted, Resolution Chapter # 50

Position: *Support*

SB 1221 (Morrow) would require school districts to specifically send a separate notice to parents or guardians that students may be released from school for confidential medical services without parents' permission.

Status: Assembly Desk

Position: *As amended 5/24, the Commission no longer opposes this bill and has adopted a neutral position.*

SB 1590 (Dunn) would prohibit disclosure of personal information received, collected, or compiled by certain public agencies regarding the employees, volunteers, board members, owners, partners, officers, or contractors of a reproductive health facility.

Status: Assembly Desk

Position: *Support*

SB 1593 (Hollingsworth) would require all physicians and surgeons who provide abortions under Medi-Cal to obtain a written statement from the patient which states she was not coerced into having an abortion and her decision was voluntary. Would also require providers to submit the statement along with the claim for payment in order to be reimbursed for performing the procedure.

Status: Failed Passage in Senate Health and Human Services

Position: *Oppose*

Violence

AB 2403 (Jackson) would impose alternate misdemeanor-felony penalties for the installation of any device, absent a court order, for the purpose of capturing visual images of a person in their own home without his or her consent. Penalties would also apply to anyone who disseminates the resulting images of any such electronic home invasion.

Status: Senate Rules

Position: *Support*

AB 3042 (Yee) would provide that any person with a felony conviction for a specified offense involving unlawful sexual intercourse, sodomy, lewd and lascivious acts, and oral copulation with a minor for money or other consideration is punishable by an additional one-year term of imprisonment in state prison.

Status: Senate Rules

Position: *Support*

ACR 148 (Cohn) would proclaim October 2004 as Domestic Violence Awareness Month.

Status: Assembly Rules

Position: *Support*

ACR 149 (Cohn) would proclaim October 8, 2004, as Health Cares About Domestic Violence Day.

Status: Assembly Rules

Position: *Support*

ACR 183 (Dymally) would proclaim May of every year as Elder and Dependent Adult Abuse Prevention Month.

Status: Assembly Rules

Position: *Support*

ACR 194 (Chu) would proclaim that April be designated as Sexual Assault Awareness Month from this time forward.

Status: Adopted, Resolution Chapter # 34

Position: *Support*

ACR 197 (Maze) would recognize April 21, 2004, as Denim Day California to encourage awareness of issues relating to rape and sexual assault.

Status: Senate Rules

Position: *Support*

ACR 198 (Garcia) would proclaim May 2004 as Elder Abuse Prevention Month.

Status: Assembly Rules

Position: *Support*

AJR 64 (Chu) would call upon local, state, and federal law enforcement authorities to work to prevent bias-motivated crimes and to investigate and prosecute vigorously all such crimes against all Americans, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans.

Status: Senate Rules

Position: *Support*

SB 1385 (Burton) would make various changes in existing law related to domestic violence and “battered women’s syndrome”. Would expand the class of survivors eligible to file a habeas petition to include: 1) those who committed any crime so long as the abuse is directly related to the act, and 2) abused women whose offenses occurred prior to August 29, 1996.

Status: Assembly Public Safety, June 8

Position: *Support*

SB 1441 (Kuehl) would give victims of domestic violence the right to have a domestic violence advocate and a support person of his or her choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. Also would require the attending law enforcement authority or district attorney to notify a victim of domestic violence of that right prior to commencement of an initial interview.

Status: Assembly Public Safety, June 8

Position: *Support*

SB 1676 (Romero) This bill, previously supported by the Commission, addressed domestic violence reports by law enforcement. *As amended 4/12/04, it no longer pertains to Commission priorities.*

Women in Prison

***AB 1530 (Negrete McLeod)** requires the probation department to provide notice of and a written application for community treatment programs to a woman sentenced to state prison. Also requires the Department of Corrections to admit to the program any applicant who meets admission criteria, whose child was born prior to her incarceration, or who is pregnant.

Status: Senate Public Safety

Position: *Support*

AB 1796 (Leno) would permit persons with felony convictions involving possession or use of drugs to qualify for aid under the Food Stamp Program by providing that California opt out of the lifetime federal disqualification from food stamps for such persons.

Status: Senate Health & Human Services, June 9

Position: *Support*

AB 1803 (Bermúdez) would provide a procedure for placement of infants born to women incarcerated in state prison or California Youth Authority facilities. Would also require that pregnant women be given information about options for placement and the potential for termination of parental rights under the federal Adoption and Safe Families Act, and that she be assisted in authorizing a placement plan for her newborn.

Status: Held in Assembly Human Services

Position: *Support*

AB 1914 (Montañez) would establish within the Department of Corrections the Robert E. Burton Correctional Education Committee to create a statewide system and governing board for inmate education to provide every inmate who has a reasonable expectation of release with the opportunity to achieve a specified level of functional literacy and education.

Status: Senate Public Safety, June 8

Position: *Support*

AB 1941 (Chan) would state the intent of the Legislature to encourage law enforcement and county child welfare agencies, in collaboration with specified organizations and agencies, to develop protocols regarding how to best cooperate in their response to the arrest of a caretaker parent in a home where a minor child resides in order to ensure the child's safety and well-being.

Status: Senate Public Safety, June 8

Position: *Support*

AB 1946 (Steinberg) would modify the California Department of Corrections' (CDC) compassionate release process to increase the awareness of CDC medical staff and families of terminally ill prisoners regarding compassionate release. Among other things, it would make prisoners who are diagnosed with a disease that would produce death within 6 months, and whose release is not considered a threat to public safety, eligible to have their sentence re-called and to be re-sentenced.

Status: Senate Public Safety, June 8

Position: *Support*

SB 1287 (Kuehl) would require, prior to acceptance of a plea, as specified, that the court advise the defendant that if the defendant is a custodial parent, a conviction may have consequences for his or her parental rights. Would require the CDC to maintain existing policies and procedures that foster family contact and parent-child bonding; to provide a child-friendly environment for visits between incarcerated parents and their children; and to provide information and resources for families of the incarcerated, including, specifically children of incarcerated parents, on the Department website.

Status: Assembly Desk

Position: *Support*